

STATE OF MARYLAND

MARYLAND DEPARTMENT OF THE ENVIRONMENT

Shari T. Wilson, Secretary

BILL NO: House Bill 987

COMMITTEE: Environmental Matters Committee

POSITION: Support with Amendments

TITLE: Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

BILL ANALYSIS: House Bill 987 (HB987) requires the Maryland Department of the Environment (MDE) to develop, implement, and administer a new marine contractor licensing program. Under this new program, applications for activities performed by marine contractors would be afforded a fee reduction, special handling, and faster review by the Department. For certain projects performed by licensed marine contractors, the Bill eliminates altogether the requirement to obtain a tidal wetlands license. In addition, the Bill provides immunity from civil liability to licensed marine contractors who perform certain shoreline stabilization projects.

POSITION AND RATIONALE: The Department supports HB987 with amendments. The development of a marine contractor licensing program will provide public protection by developing occupational standards that do not currently exist and make it easier for the public to obtain information on businesses. The program will also help to “weed out” incompetent or unscrupulous contractors through higher general and occupation-specific education requirements, testing, and background checks.

On the other hand, HB987 (1) significantly impacts the Department’s revenue stream, adversely affecting the Department’s ability to serve the regulated community and improve environmental protection; (2) imposes processing timeframes that are contrary to long-standing public notice and interagency coordination requirements, and (3) institutes special processing requirements that are not afforded to any other professional group. The amendments endorsed by MDE address the adverse impacts that HB 987 will have on the State’s Wetlands and Waterways Program.

The amendments being supported by MDE were developed in cooperation with the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays, the Maryland Marine Contractors Association, and the Chesapeake Bay Foundation during a meeting sponsored by Senator Conway, chair of the Education, Health and Environmental Affairs Committee. Although still being put into proper form, the amendments will create Title 17, which will be entitled Marine Contractors, in the Environment Article, and address following areas:

- Ø Establishment of a seven-person Marine Contracting Licensing Board.
- Ø Establishment of a marine contractor professional license requiring individuals to have at least two years of experience, pass a test and participate in a continuing education program, carry

workers' compensation and commercial general liability insurance. The licensee will not, however, have to be licensed by Maryland Home Improvement Commission.

- Ø Establishment of compliance and enforcement provisions that enable the Licensing Board to deny, suspend, revoke, or refuse to renew a professional license for a number of offenses including violating any provision of the newly-proposed licensing statute, fraudulently or deceptively attempting to obtain a license, or violating provisions of the Tidal Wetlands or Critical Area statutes and regulations.
- Ø Establishment of criminal and civil penalties up to \$10,000 for each violation, which may be imposed against marine contractor for violations of new statute or a property owner if they use a non-licensed contractor.
- Ø Elimination of proposed changes to the existing fee schedule for wetlands and waterways applications and the link between a licensed marine contractor and the application fees assessed a property owner by the Department for activities conducted in tidal wetlands.
- Ø Establishment of processing standards designed to expedite the application review process for a tidal wetlands licenses, including:
 - Notifying an applicant within 45 days from receipt of an application whether the application is complete and the wetland delineation is correct; and
 - Once MDE determines that an application is complete, making a decision to grant, deny or modify a license for applications that do not trigger public notice and comment requirements or the issuance of a Wetlands License from the Board of Public Works within 45 days.

FOR MORE INFORMATION,
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